



10 November 2023

Honorable Julie Henderson, Director
Department of Pesticide Regulation
1001 I Street
Sacramento, CA 95814

Dear Director Henderson,

CropLife America (CLA) and RISE (Responsible Industry for a Sound Environment) appreciate the opportunity to provide comments on the California Department of Pesticide Regulation (DPR) draft Strategic Plan.

We support DPR developing a Strategic Plan (“the draft Plan”, or “the Plan”) to focus the Department’s work through 2028. The Plan includes several aspirational goals; however, we have some concerns with the timing of the Plan. The development of key budget decisions by the legislature will be made in 2024, and funding levels will greatly impact how DPR can prioritize and implement the goals in the Plan. The Plan outlines a number of goals and subgoals that would require significant investment and resource allocation. DPR has not included information in the Plan regarding funding needs. With the budgeting process in 2024, DPR should identify and seek funding before committing to goals and subgoals in the Plan that may or may not be funded.

Below CLA and RISE provide feedback on select goals and subgoals in the draft Strategic Plan. This approach to our comments does not indicate that the goals we have commented on are the only goals that we consider important, rather we decided to comment on those that are priority for us to either support or request revision.

Goal 1.2

- *“Create a streamlined pathway for the registration of efficacious alternatives to high-risk priority pesticides and alternatives that cover gaps in priority pest management.”*
 - It is important that all Californians have access to a broad range of safe and efficacious pesticides to address all their pesticide needs and increasing pest pressures. DPR already has lengthy product registration timelines, so it is vitally important that the creation of a streamlined pathway for the registration of alternatives to “high-risk Priority Pesticides¹” does not further delay current and future registrations; therefore,

¹ On March 13, 2023, CLA and RISE provided comments to DPR on *Sustainable Pest Management: A California Roadmap* (‘Roadmap’). CLA and RISE want to reemphasize our position on “Priority Pesticides” as articulated in our March 13, 2023, comments to DPR. DPR’s term and definition of “Priority Pesticides”, which these pesticides

potentially impacting product availability, of the products that Californians need. We are opposed to a situation where specific “preferred” pesticides further increase the product registration timeline for current pesticides or future pesticides not considered as an alternative for products that DPR may at some point identify as “high-risk Priority Pesticides”.

- We fully support providing clear and transparent projected timelines to registrants for scientific data evaluations.
- We support DPR updating systems and processes to ensure effective and efficient reviews of regulatory submissions in support of product registration. Current registration timelines and associated delays are a significant barrier to bringing new products and innovation to California. Currently, California is 3-5 years behind its counterparts in other states when it comes to the registration and availability of new, improved chemistries. We support a goal to reduce California’s current pesticide registration process and timelines that is accompanied by clear and measurable, along with obtainable, metrics.

Goal 1.3

- *“Begin an annual process of initiating formal mitigation for at least two identified priority pesticides.” And “begin an annual process of completing formal mitigation for at least two identified priority pesticides.”*
 - These goals seem premature and arbitrary. The plan including a goal that there will need to annually be at least two formal mitigations is prescriptive and not science based. A lack of viable alternatives to identified Priority Pesticides may be a significant challenge in achieving these goals, and it is essential that alternatives are in place before any product is targeted for use reductions.

Goal 1.4

- *“Facilitate and support SPM technical assistance and innovation in pest management in collaboration with all interested partners.”*

are yet to be specifically identified, is problematic. It is problematic as all pesticides, as further explained in the CLA/RISE March 13, 2023, comments, have already undergone a robust risk assessment process by EPA prior to registration in California. EPA only registers pesticides for use if it is determined the product meets the standard of “no unreasonable adverse effects on the environment”(including risks to humans) when used according to label instructions, as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Furthermore, pesticides used on food crops must also meet the standard of “reasonable certainty of no harm due” based on aggregate exposure, as required under the Federal Food, Drug and Cosmetics Act (FFDCA). Once EPA registers a pesticide it is then further reviewed and evaluated by DPR prior to registration in California. Hence, the identification and reduction and/or elimination of already proven safe and effective pesticides is not sound public policy based on science.

- Sustainable pest management (SPM) and integrated pest management (IPM) resources are important components for ensuring implementation of these goals in the field. A funding source needs to be identified for these efforts before committing to any goal. DPR also needs to partner with other agencies (i.e., California Department of Food and Agriculture) and University Extension who have programs already in place that can help provide the desired education and outreach.
- The subgoal under goal 1.4 of measuring SPM success by 5% annual reduction in Priority Pesticide use does not take into account changing pest pressures, and the possibility that those pesticides identified by DPR as “Priority Pesticides” might be the most effective, or only, option to control certain outbreaks of pests. To implement this goal, it will be critical to ensure that efficacious alternatives are first readily available before DPR designates a pesticide as a “Priority Pesticide” and limiting its use.

Goal 3.4

- *“Offer Spanish language exams for Qualified Applicators Licenses and Certificates.”*
 - CLA and RISE appreciate DPR’s recognition of the diversity of the current workforce. We are supportive of initiatives to increase access to qualified applicator licenses and certificates. We want to highlight the new Spanish pesticide labeling requirement with staggered compliance dates², up to December 29, 2030, as specified in the Pesticide Registration Improvement Act of 2022 (PRIA 5). CLA and RISE request the finalized date for Goal 3.4 takes into consideration the timing of the Spanish labeling compliance dates in PRIA 5. We embrace the law’s requirements in PRIA 5 for implementing Spanish on pesticide labels and want to ensure initiatives, such as Goal 3.4, are not in conflict or do not a cause any potential confusion with the Spanish labeling compliance dates in PRIA 5.

² According to PRIA 5, EPA registered pesticides must include Spanish language for the sections of the pesticide label contained in the EPA Spanish Translation Guide for Pesticide Labeling (October 2019). The Spanish labeling compliance dates specified in PRIA 5 is December 29, 2025 for Restricted use pesticides (RUPs); Non-RUP products that are designated as Toxicity Category 1 by December 29, 2025 for agricultural products and by December 29, 2026 for non-agricultural products; non-RUP products that are designated as Toxicity Category 2 by December 29, 2027 for agricultural products and by December 29, 2028 for non-agricultural products; and all other products by December 29, 2030.

CLA and RISE appreciate the opportunity to provide these comments on the Plan. Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott J. Dahlman".

Scott J. Dahlman
Director of State Government Affairs, Western Region
CropLife America
sdahlman@croplifeamerica.org

A handwritten signature in black ink, appearing to read "Jon Gaeta".

Jon Gaeta
Director, State Affairs
RISE (Responsible Industry for a Sound Environment)
jgaeta@pestfacts.org